

REMARKS/ARGUMENTS

Claims 26, 28, 32, 26, 28, and 39 are amended; claims 22-29 and 31-41 are pending upon entry of the Amendment. No new matter is introduced by way of the Amendment.

Claim Rejections – 35 U.S.C. § 112:

Claims 26-29, 32, 38, and 39 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Applicant respectfully disagrees, but has amended these claims solely to expedite prosecution. Accordingly, applicant believes that the rejection has been overcome.

Claim Rejections – 35 U.S.C. § 102:

Claims 22, 24, 28, 29, and 33 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Pat. No. 2,992,468 to Leonard. The rejection is respectfully traversed.

Leonard does not teach nor suggest, *inter alia*, “wherein one of the locking elements is captively connected to the bolt element and the other locking element is releasably connectable to the bolt element”, as recited by claim 22.

Leonard recites a formwork system comprises two pouring forms 11, wherein walers 12 are secured to the exterior surfaces of said forms 11 by fasteners 13. Said walers 12 include horizontal flanges 14 having elongated vertically aligned apertures 15 formed therethrough (cf. Fig. 2), with apertures 15 of the walers 12 of the left form 11 provided to receive a lockplate 26 which comprises an upright aperture 25 (cf. Fig. 3, column 2, lines 20 to 24). The aperture 25 receives the flattened side 24 of rod 17 so that said rod 17 is secured to lockplate 27, and therefore to the left pouring form 11, when being rotated substantially 90° to the locking position shown (cf. column 2, lines 40 sqq.).

The pouring form 11 on the right is secured to shaft 17 by means of a pin 21 extending through tie rod 17 so that said pin 21 will engage the apertures 15 formed in the horizontal flanges 14 of the walers 12 of the right pouring form 11 when tie rod 17 is rotated substantially 90°.

The Office Action identifies the walers 12 and in particular the horizontal flanges 14 of said walers 12 as the claimed locking elements and said fasteners 13 as claimed coupling elements within the meaning of the present invention. However, this interpretation is incorrect, since independent claim 22 of the present application recites that one of the locking elements is *captively connected* to the bolt element whereas the other locking element is *releasable connectable* to the bolt element.

The required claim limitations do not hold true for the walers 12 and their horizontal flanges 14, respectively, since rod 17 can be separated from the walers 12 of the right and from the walers 12 of the left pouring form 11, as it is depicted in the lower portion of Fig. 1. Rather, said pouring forms 11 in combination with walers 12 secured thereto each constitute a formwork element, which clearly shows that no walers 12 is captively connected to rod 17. Hence, the assembler has to handle a plurality of parts per formwork tie, which is why assembly of the system of Leonard is much more complicated and time-consuming than assembly of the formwork system of the invention. Accordingly, independent claim 22 is novel over Leonard, since the rod 17 of Leonard does not include a locking element which is captively connected to it.

In view of at least the above, claim 22, and all claims dependent therefrom, is not anticipated by Leonard.

Claims 22, 24, 26-29, 31, 32, 35, and 37-40 are rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by DE 10336414 (DE '414). The rejection is respectfully traversed.

DE '414 does not teach nor suggest, *inter alia*, "wherein one of the locking elements is captively connected to the bolt element and the other locking element is releasably connectable to the bolt element", as recited by claim 22.

As shown in Fig. 3a, 3b, of DE '414 locking devices 201, 202 comprise hook elements 231 which face each other (cf. Fig. 3a, 3b). Consequently, counter elements 212, 212 of locking devices 201, 202 must be threaded, which means that both said locking elements 201, 202 are releasably connectable to tie 10, i.e., neither of said locking devices 201, 202 is captively connected to tie rod 10.

Further, the Office Action argued on page 9 that DE '414 must inherently teach that the coupling elements transfer compressive force from the formwork elements to the bolt elements. However, this is not the case, since Figs. 1b and 1c clearly show significant gaps between beam 24 and hooks 231. Further, since both ends of the tie 10 are threaded, the arrangement suggests that tie 10 is threaded with elements 260 until the elements 260 place a compressive force against the beams 24, otherwise, elements 260 would be loose on the beams 24. This likely occurs by first threading the left end of tie 10 into side 201 which forms one threaded connection, with a final tightening by element 102 onto the right side of the tie 10, which places the tie 10 into tension, thus compressing forms 21 and 22.

Hence, inward compressive force of the formwork elements 23 would have to be to such a degree that the shown gaps are traversed, to loosen the elements 260 and overcome the state of tension of tie 10, which would require some inward bowing of the tie 10, since the threaded connections are immovable. Thus, clearly, it cannot be said that elements 260 *inherently* apply compressive force to tie 10, when the disclosed arrangement of DE '414 tends to show otherwise.

In view of at least the above, claim 22, and all claims dependent therefrom, is not anticipated by DE '414.

CONCLUSION

In view of the foregoing, applicant submits that this application is in condition for allowance, and a formal notification to that effect at an early date is requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (415) 273-4380 (direct dial).

Respectfully submitted,



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